

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-527-BO

U.S. TOBACCO COOPERATIVE, INC.,)
et al.,)
)
Plaintiffs,)
)
v.)
)
BIG SOUTH WHOLESALE OF)
VIRGINIA, LLC, *et al.*,)
)
Defendants.)

ORDER

This cause comes before the Court following the issuance of the mandate of the court of appeals on September 25, 2018. [DE 1120]. The clerk has returned the case to the Court's active docket, and the stay in this matter is hereby LIFTED. The parties are reminded to file a joint report of the posture of the case and the issues which remain for adjudication within ten days of the issuance of the mandate. *See* [DE 1113].

In light of the foregoing, the pending motions for summary judgment [DE 439; 442; 450; and 456] are DENIED WITHOUT PREJUDICE with permission to re-file and incorporate the prior filing by reference if appropriate. The Court will take up the issue of a schedule for filing dispositive motions after it has considered the parties' joint report.

Additionally, in the absence of any opposition, for good cause shown, and for those reasons stated in its order of June 21, 2017, the pending motions to seal and to unseal [DE 1095; 1106; 1112] are ALLOWED. The clerk is DIRECTED to unseal the following docket entries:

Nos. 30, 30-1, 30-2, 30-3, 30-6, 30-7, 30-8, 97-8, 97-9, 103, 103-7, 103-8, 103-9, 135-4, 135-6, 139, 139-1, 151-1, 151-2, 165-5, 165-6, 165-7, 165-8, 165-9, 166-2, 166-3, 166-5, 166-6, 166-7, 166-8, 166-9, 166-10, 167-1, 167-2, 167-6, 167-8, 168-5, 168-6, 168-7, 168-8, 168-9, 168-10, 196, 196-2, 196-3, 196-4, 383, 383-1,

383-2, 383-5, 383-6, 405, 405-1, 405-2, 405-4, 405-5, 405-6, 405-7, 405-8, 405-12, 405-15, 408, 408-1, 408-2, 408-4, 408-5, 408-6, 408-7, 408-8, 408-15, 437, 437-1, 437-2, 437-4, 437-5, 437-6, 437-8, 437-9, 437-10, 437-11, 437-12, 437-13, 437-14, 437-15, 437-16, 437-17, 437-18, 437-21, 437-23, 437-24, 437-25, 437-26, 437-28, 522-2, 570-7, 570-8, 570-12, 611-14, 648-1, 648-5, 648-9, 648-11, 648-12, 648-13, 649-16, 649-19, 649-26, 707, 707-1, 707-2, 777-2, 777-3, 777-17, 777-18, 797-1, 797-2, 806-1, 806-2, 806-3 and 806-4.

Plaintiffs may file redacted versions of docket entries Nos. 648-8, 649-9, 649-25, 649-28, 707-3, 777-11, 777-12 with the Court.

The clerk is further DIRECTED to maintain the following documents under seal: Exhibits 2,3,4,5, and 12 [DE 1100, 1101, 1102, 1103, 1104] to plaintiff's supplemental memorandum of law in opposition to defendants Big South Wholesale of Virginia, d/b/a Big Sky International, Big South Wholesale, LLC, Jason Carpenter, and Christopher Small's motion for summary judgment.

The clerk is further DIRECTED to maintain docket entry 497-1 under seal, and plaintiff shall file a corrected, redacted version of the document on the public docket.

SO ORDERED, this 26 day of September, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE